



General Assembly

***Substitute Bill No. 5725***

*January Session, 2003*

***AN ACT CONCERNING YOUTH IN CRISIS AND CHILDREN OF  
FAMILIES WITH SERVICE NEEDS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 46b-149b of the general statutes is repealed and  
2 the following is substituted in lieu thereof (*Effective October 1, 2003*):

3 (a) Any police officer or any official of a municipal or community  
4 agency, who in the course of his employment under subsection (d) of  
5 section 17a-15 or section 46b-120, 46b-121, 46b-149, 46b-149a, 46b-150f,  
6 as amended by this act, or 46b-150g, as amended by this act, provides  
7 assistance to a child or a family in need thereof, shall not be liable to  
8 such child or such family for civil damages for any personal injuries  
9 which result from the voluntary termination of service by the child or  
10 the family.

11 (b) Each municipal police department and the Division of State  
12 Police within the Department of Public Safety shall implement a  
13 uniform protocol for providing intervention and assistance in matters  
14 involving children thirteen years of age or older who are members of  
15 families with service needs. Such uniform protocol shall be developed  
16 by the Police Officer Standards and Training Council established  
17 under section 7-294b.

18 Sec. 2. Section 46b-150f of the general statutes is repealed and the  
19 following is substituted in lieu thereof (*Effective October 1, 2003*):

20 (a) Any selectman, town manager, police officer or welfare  
21 department of any town, city or borough, any probation officer, any  
22 superintendent of schools, any child-caring institution or agency  
23 approved or licensed by the Commissioner of Children and Families,  
24 any youth service bureau, a parent or foster parent of a youth, or a  
25 youth or the attorney or other representative of such youth, who  
26 believes that the acts or omissions of a youth are such that such youth  
27 is a youth in crisis may file a written complaint setting forth those facts  
28 with the Superior Court which has venue over [that] the matter.

29 (b) A petition alleging that a youth is a youth in crisis shall be  
30 verified and filed with the Superior Court which has venue over the  
31 matter. The petition shall set forth plainly: (1) The facts which bring  
32 the youth within the jurisdiction of the court; (2) the name, date of  
33 birth, sex and residence of the youth; (3) the name and residence of the  
34 parent or parents, guardian or other person having control of the  
35 youth; and (4) a prayer for appropriate action by the court in  
36 conformity with the provisions of this section.

37 (c) Upon determination that a youth is a youth in crisis in  
38 accordance with policies established by the Chief Court Administrator,  
39 the court may make and enforce orders, including, but not limited to,  
40 orders: [(1) Prohibiting the youth in crisis from driving a motor vehicle  
41 for a time determined by the court;] (1) Directing the Commissioner of  
42 Motor Vehicles to suspend the motor vehicle operator's license of the  
43 youth in crisis for a period of time specified in the regulations adopted  
44 pursuant to section 4 of this act; (2) requiring work or specified  
45 community service; (3) mandating that the youth in crisis attend an  
46 educational program in the local community approved by the court;  
47 [and] (4) requiring mental health services; (5) placing the youth in  
48 crisis on probation; (6) prohibiting the youth in crisis from being  
49 eligible for adjudication as a youthful offender pursuant to sections 54-  
50 76b to 54-76o, inclusive; (7) prohibiting the youth in crisis from being  
51 eligible for participation in the pretrial program for accelerated  
52 rehabilitation under section 54-56e; and (8) committing the youth in  
53 crisis to a secure community group home. A youth in crisis found to be

54 in violation of any order under this section shall not be considered to  
55 be delinquent and shall not be punished by the court by incarceration  
56 in any state-operated detention facility or correctional facility.

57 (d) Any program developed by the Court Support Services Division  
58 for youth in crisis under this section shall be gender specific, as  
59 necessary, and shall comprehensively address the unique needs of a  
60 targeted gender group. The Commissioner of Children and Families, in  
61 consultation with the Chief Court Administrator, shall adopt  
62 regulations, in accordance with the provisions of chapter 54, to  
63 establish gender specific criteria for any such program and  
64 qualification requirements for participation in such program by youths  
65 in crisis.

66 (e) Upon determination that a youth is a youth in crisis in  
67 accordance with policies established by the Chief Court Administrator,  
68 the court may, after hearing, enter an order declaring that the youth in  
69 crisis is emancipated if the court finds that: (1) The youth in crisis and  
70 the parents or guardian of the youth in crisis are unable to reach an  
71 agreement resolving the matters that caused a petition to be filed  
72 pursuant to this section; (2) the programs and services offered by the  
73 court have not or will not be effective in resolving such matters; and  
74 (3) emancipation is in the best interests of the youth in crisis or the  
75 parents or guardian of the youth in crisis. An order of emancipation  
76 under this subsection shall have the effects set forth in section 46b-  
77 150d.

78 [(d)] (f) The Judicial Department may use any funds appropriated  
79 for purposes of this chapter for costs incurred by the department or the  
80 court pursuant to this section.

81 Sec. 3. Section 46b-150g of the general statutes is repealed and the  
82 following is substituted in lieu thereof (*Effective October 1, 2003*):

83 (a) Any police officer who receives a report from the parent or  
84 guardian of a youth in crisis [, as defined in section 46b-120, may] shall  
85 attempt to locate the youth in crisis. If the officer locates such youth in

86 crisis, such officer [may] shall report the location of the youth to the  
87 parent or guardian in accordance with the provisions of federal and  
88 state law after such officer determines that such report does not place  
89 the youth in any physical or emotional harm. In addition, the police  
90 officer [may] shall respond in one of the following ways: (1) Transport  
91 the youth in crisis to the home of the child's parent or guardian or [any  
92 other person] a suitable and worthy adult; (2) refer the youth in crisis  
93 to the superior court for juvenile matters or the probate court in the  
94 district where the youth in crisis is located; (3) hold the youth in crisis  
95 in protective custody for a maximum period of twelve hours until the  
96 officer can determine a more suitable disposition of the matter,  
97 provided (A) the youth in crisis is not held in any cell designed or used  
98 for adults, and (B) the officer [may] does not release the youth in crisis  
99 [at any time without taking further action] to the parent or guardian of  
100 the youth in crisis during such twelve-hour period; or (4) transport or  
101 refer a youth in crisis to any public or private agency serving children,  
102 with or without the agreement of the youth in crisis. If a youth in crisis  
103 is transported or referred to an agency pursuant to this section, such  
104 agency shall provide temporary services to the youth in crisis unless or  
105 until the parent or guardian of the youth in crisis at any time refuses to  
106 agree to those services.

107 (b) Any police officer acting accordance with the provisions of this  
108 section shall be deemed to be acting in the course of the police officer's  
109 official duties.

110 Sec. 4. (NEW) (*Effective October 1, 2003*) The Commissioner of Motor  
111 Vehicles shall adopt regulations, in accordance with the provisions of  
112 chapter 54 of the general statutes, setting forth the length of suspension  
113 and number of points chargeable against the operator's license of a  
114 youth in crisis for whom the court has ordered a license suspension  
115 under subsection (c) of section 46b-150f of the general statutes, as  
116 amended by this act.

117 Sec. 5. (NEW) (*Effective October 1, 2003*) (a) The Chief Court  
118 Administrator shall assign, in each of five districts established under

119 section 46b-142 of the general statutes that have the highest number of  
120 families with service needs and youths in crisis, excluding the number  
121 of truants and habitual truants, a court services officer who shall be  
122 trained in mediation techniques and shall specialize in matters  
123 involving youths in crisis or children thirteen years of age or older  
124 who are defiant, rebellious and beyond the control of their parents,  
125 guardians or other custodians.

126 (b) All judges and personnel appointed for the treatment and  
127 handling of juvenile matters within the districts established under  
128 section 46b-142 of the general statutes shall receive not less than  
129 twenty hours of training per year in handling matters involving youths  
130 who are defiant, rebellious and beyond the control of their parents,  
131 guardians or other custodians.

132 Sec. 6. (NEW) (*Effective October 1, 2003*) (a) The Court Support  
133 Services Division and the Department of Children and Families shall  
134 jointly develop and implement a standardized protocol for the  
135 screening and assessment of children with behavioral health needs.  
136 Such screening and assessment shall be conducted at the time a  
137 complaint or petition is filed pursuant to section 46b-149 or 46b-150f of  
138 the general statutes, as amended by this act, in order to divert such  
139 children from the juvenile justice system to appropriate behavioral  
140 health interventions in their communities. Any statements made by a  
141 child or youth during the course of such screening and assessment  
142 may not be used against such child or youth in any subsequent  
143 proceeding regarding such complaint or petition.

144 (b) The Court Support Services Division and the Department of  
145 Children and Families shall jointly develop and implement  
146 community-based services and programs exclusively for children who  
147 are members of families with service needs or are youths in crisis. Such  
148 services and programs shall include: (1) A continuum of researched  
149 behavioral health treatment approaches that provide treatment in the  
150 child's community, provided such approaches shall replicate existing  
151 behavioral health treatment approaches for which evidence of

152 successful treatment outcomes can be shown; and (2) appropriate,  
153 culturally competent and gender specific community service,  
154 mentoring, respite home, truancy reduction and mediation programs.  
155 Such services and programs shall be available to probation officers and  
156 the court and shall be used to ensure that such children who might  
157 otherwise be incarcerated, and their families, receive appropriate  
158 services in the community.

159 (c) The Court Support Services Division and the Department of  
160 Children and Families shall jointly arrange for an independent and  
161 appropriate evaluation of the screening protocol required by  
162 subsection (a) of this section and the services and programs required  
163 by subsection (b) of this section to determine their effectiveness in  
164 reducing recidivism, incarceration and disproportionate minority  
165 confinement.

166 Sec. 7. (NEW) (*Effective October 1, 2003*) (a) Notwithstanding the  
167 provisions of sections 46b-150f and 46b-150g of the general statutes, as  
168 amended by this act, the Probate Court Administrator shall establish a  
169 pilot program in the probate district of Middletown for the purpose of  
170 exercising jurisdiction over and administering youth in crisis cases  
171 arising in said district in which the youths in crisis are not truants.

172 (b) On or before January 1, 2005, the Probate Court Administrator  
173 shall report, in accordance with section 11-4a of the general statutes, to  
174 the joint standing committee of the General Assembly having  
175 cognizance of matters relating to the judiciary and the select committee  
176 of the General Assembly having cognizance of matters relating to  
177 children, with respect to the status and effectiveness of the pilot  
178 program established pursuant to subsection (a) of this section.

179 Sec. 8. (*Effective October 1, 2005*) The Department of Children and  
180 Families shall, within available appropriations, establish in the town of  
181 East Hampton or its surrounding communities a safe harbor group  
182 home that shall be known as "Makalya's House". Said group home  
183 shall be a residential placement resource to any young woman

184 determined pursuant to section 46b-150f of the general statutes, as  
185 amended by this act, to be a youth in crisis, as defined in section 46b-  
186 120 of the general statutes. Residents of said group home shall be  
187 provided substance abuse treatment and counseling, educational  
188 programs, mental health services and other services, as determined by  
189 the court.

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| This act shall take effect as follows: |                        |
| Section 1                              | <i>October 1, 2003</i> |
| Sec. 2                                 | <i>October 1, 2003</i> |
| Sec. 3                                 | <i>October 1, 2003</i> |
| Sec. 4                                 | <i>October 1, 2003</i> |
| Sec. 5                                 | <i>October 1, 2003</i> |
| Sec. 6                                 | <i>October 1, 2003</i> |
| Sec. 7                                 | <i>October 1, 2003</i> |
| Sec. 8                                 | <i>October 1, 2005</i> |

**KID**            *Joint Favorable Subst. C/R*

JUD

**JUD**            *Joint Favorable Subst.*